

Applicant(s) : PAWELEK, et al.
U.S. Serial No.: 10/723,570
Filing Date : November 24, 2003
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Remarks

On page 139, lines 20-21, of the specification, the ATCC Accession Nos. for Population #14028^{pop-1} and Population #14028^{pop-2}, "55681" and "55682," respectively, were inadvertently interchanged when the application was originally filed. Accordingly, Applicants have amended the specification to correct this clerical error.

On page 139, lines 28-31, and on page 140, lines 1-3, of the specification, the blank spaces adjacent to the listed microorganisms need to be filled with the corresponding ATCC Accession Nos. Accordingly, Applicants have amended the specification to replace the blank spaces with the corresponding ATCC Accession Nos. Thus, there is no issue of new matter, and Applicants respectfully request the entry of the above amendments.

Additionally, as noted herein, the present application discloses an invention directed towards microorganisms and discloses the deposit of such microorganisms with the American Type Culture Collection (ATCC) further to 37 C.F.R. 1.804(a). The deposits were assigned ATCC Accession Nos. 55680-55686, 55786-55789, 97179, and 97591-97593. In the original ATCC patent deposit receipts, OncoRx, Inc. was erroneously named as the depositor and owner of the deposits. The amended ATCC patent deposit receipts, **attached hereto**, reflect the correct depositor and owner to be Yale University, the assignee of record for the present application. Accordingly, Applicants respectfully request that the amended deposit receipts be made of record for the above-identified case.

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If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai Kit Chan

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I hereby certify that this paper is being deposited this date with the U.S. Postal Service with sufficient postage for first class mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Albert Wai Kit Chan 6/3/05
Albert Wai-Kit Chan Date
Reg. No. 36,479



American Type Culture Collection

AMENDED

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 908-768 ATCCROVE • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Yale University
c/o Pennie & Edmonds
Attn: S. Leslie Misrock, Esq.
1155 Avenue of the Americas
New York, NY 10036

Deposited on Behalf of: Yale University - Docket No. 8002-028 (owner of deposit)

Identification Reference by Depositor:

ATCC Designation

Bacterium: <i>Salmonella typhimurium</i> , #72	55680
Bacterium: <i>Salmonella typhimurium</i> , #14028 ^{pop2}	55681
Bacterium: <i>Salmonella typhimurium</i> , #14028 ^{pop1}	55682
Bacterium: <i>Salmonella typhimurium</i> , #72 ^{pop2}	55683
Bacterium: <i>Salmonella typhimurium</i> , #72 ^{pop1}	55684
Bacterium: <i>Salmonella typhimurium</i> , #71	55685
Bacterium: <i>Salmonella typhimurium</i> , #70	55686
Bacterium: <i>Salmonella typhimurium</i> , #72 ^{s-3-2}	97179

The deposits were accompanied by: ___ a scientific description X a proposed taxonomic description indicated above. The deposits were received June 1, 1995 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested June 6, 1996. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: September 13, 1996

BP-9

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To: (Name and Address of Depositor or Attorney)

Yale University
c/o Pennie & Edmonds
Attn: S. Leslie Misrock, Esq.
1155 Avenue of the Americas
New York, NY 10036

Deposited on Behalf of: Yale University (Docket 8002-036-999) - owner of deposit

Identification Reference by Depositor:

ATCC Designation

Salmonella typhimurium YS7213
Salmonella typhimurium YS7211
Salmonella typhimurium YS721
Salmonella typhimurium YS7212

55786
55787
55788
55789

The deposits were accompanied by: ☐ a scientific description ☒ a proposed taxonomic description indicated above.

The deposits were received May 30, 1996 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

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International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: September 13, 1996

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Yale University
c/o Pennie & Edmonds
Attn: S. Leslie Misrock, ESq.
1155 Avenue of the Americas
New York, NY 10036

Deposited on Behalf of: Yale University (Docket 8002-036-999) - owner of deposit

Identification Reference by Depositor:

ATCC Designation

Plasmid pSP-SAD4-5

97591

Plasmid pTK-Sec3

97592

Plasmid pCD-Sec1

97593

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received May 30, 1996 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

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The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

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The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested June 7, 1996. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: September 13, 1996

BPA

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